



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**[OCT 18 2012]**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Steven Perkins  
Acting Center Director  
Jacksonville Developmental Center  
1201 South Main Street  
Jacksonville, Illinois 62650

Re: Illinois Department of Human Services, as owner and operator of Jacksonville  
Developmental Center  
Administrative Consent Order EPA-5-13-113(a)-IL-02

Dear Mr. Perkins:

Enclosed is an executed original of the Administrative Consent Order regarding the above-captioned case. If you have any questions about the Order, please contact me at 312-886-3850.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank".

Nathan A. Frank, P.E.  
Chief  
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Ray Pilapil, Air Quality Division  
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-13-113(a)-IL-02</b>
	)	
<b>Illinois Department of Human Services,</b>	)	<b>Proceeding Under Sections 113(a)(1) and</b>
<b>as owner and operator of</b>	)	<b>(3), 114(a)(1) of the Clean Air Act</b>
	)	<b>42 U.S.C. §§ 7413(a)(1) and (3)</b>
<b>Jacksonville Developmental Center</b>	)	<b>and 7414(a)(1)</b>
<b>Jacksonville, Illinois</b>	)	
	)	
	)	
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**Administrative Consent Order**

1. The Acting Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to the Illinois Department of Human Services (IDHS) under Sections 113 (a)(1) and (3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(1) and (3), 7414(a)(1).

**Statutory and Regulatory Background**

2. Title V of the Act, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for major sources to ensure that all "applicable requirements" for compliance with the Act are collected in one place. Under Section 113(a)(1) and (3) of the Act, 42 U.S.C. §§ 7413(a)(1) and (3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating any requirement of a Title V permit. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

3. The Administrator of EPA may require any person who owns or operates an emission source to sample emissions under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

### **Findings**

4. IDHS owns and operates the Jacksonville Developmental Center (JDC) at 1201 South Main Street, Jacksonville, Illinois 62650 (Facility).

5. The Facility is a hospital steam and electrical generating plant which operates four coal-fired boiler units that produce steam for heating and electricity.

6. IDHS owns or operates an “emission source” within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, the Facility is subject to the requirements of Section 114(a)(1).

7. On August 24, 2004, the Illinois Environmental Protection Agency (IEPA) issued a Title V permit for the Facility (Permit No. 95080064). The Title V permit lists the owner as “State of Illinois; Development [sic] of Mental Health”; it lists the operator as “Department of Mental Health and Disabilities [sic].” The Department of Mental Health and Developmental Disabilities (DMHDD) was a stand-alone State of Illinois agency that was abolished on July 1, 1997. Under the Illinois Successor Agency Act, 5 ILCS 705/1-1 *et seq.*, IDHS was declared the successor agency to DMHDD.

8. Conditions 7.1.1 and 7.1.5(c) of the Title V Permit provide that Boiler Unit #2 can only be operated during emergency situations.

9. From at least January 2007 to December 2008, the Facility operated Boiler Unit #2 in excess of reasonable “emergency situations” in violation of Conditions 7.1.1 and 7.1.5(c) of its Title V permit. Specifically, from at least January 2007 to December 2007, the Facility operated Boiler Unit #2 in excess of 5,400 hours, and from at least January 2008 to December 2008, the Facility operated Boiler Unit #2 in excess of 8,500 hours.

10. Condition 7.1.12(e) of the Title V Permit sets forth and requires the use of emission factors reflecting controlled or uncontrolled emissions from the coal-fired boiler units for the purpose of determining compliance with emission limits.

11. From at least January 2008 to December 2009, the Facility calculated particulate matter (PM) emissions for uncontrolled Boiler Unit #2 using the AP-42 Emission Factor for a controlled unit for PM under 10 microns (PM<sub>10</sub>) and PM under 2.5 microns (PM<sub>2.5</sub>), in violation of Title V Permit Condition 7.1.12(e).

12. Conditions 5.5.1 and 7.1.6 of the Title V Permit provide that source-wide emissions limits of PM from the Facility, which includes Boiler Unit #2, are not to exceed 84.46 tons per year (TPY).

13. From January 2008 to December 2009, the Facility reported PM emissions in excess of 84.46 TPY and up to 100.88 TPY, in violation of Conditions 5.5.1 and 7.1.6 of the Title V Permit.

14. Condition 7.1.10( a) of the Title V Permit requires the Facility to submit on a quarterly basis, within 45 days of the end of the quarter, a monthly coal analysis which includes the following information: the bituminous coal sulfur content; the heat content; and the amount of coal burned.

15. From at least 2003 to 2011, the Facility did not submit quarterly coal analysis reports in violation of Condition 7.1.10(a) of the Title V Permit.

16. Condition 9.14 of the Title V Permit provides that the right to operate the Facility terminates on the expiration date of the Title V Permit unless a timely and complete renewal application has been submitted. For a renewal application to be timely, it must be submitted no

later than 9 months and no sooner than 12 months prior to expiration of the existing Title V permit. The Title V Permit provides that the expiration date of the permit is August 24, 2009.

17. IEPA's files do not contain a renewal application received on or before November 24, 2008, nor has IDHS provided a certified return-receipt card; however, the Facility has provided a photocopy of the Facility's Title V renewal application dated November 24, 2008. The Facility subsequently provided IEPA with an amended Title V Permit renewal application in August 2011.

18. The failure of the Facility to operate in compliance with the conditions of its Title V Permit, as cited above, constitutes a violation of Section 502 of the Act and of 40 C.F.R. § 70.7(b).

19. On April 18, 2011, EPA issued a finding of violation (FOV) to IDHS and the Facility alleging that it violated the Title V Permit Program requirements of the Act at 42 U.S.C. 42 U.S.C. §§ 7661-7661f, and the implementing regulations at 40 C.F.R. Part 70, as detailed in Paragraphs 8–18 above.

20. As of May 1, 2011, IDHS has ceased operation of Boiler Unit #2.

21. On May 12, 2011, representatives of the Facility, IDHS and EPA discussed the April 18, 2011 FOV in a meeting at the EPA Region 5 office in Chicago.

22. On June 21, 2011, IDHS hired Briem Engineering to perform a boiler useful life study on Boiler Unit #3.

23. From October 10-21, 2011, Briem Engineering completed repairs on Boiler Unit #3. On December 15, 2011, Briem Engineering conducted an evaluation of the repairs completed on Boiler Unit #3 and IDHS resumed its operation.

24. In a March 6, 2012 conference call with representatives from the Facility, IDHS and IEPA, IDHS informed EPA that the facility is expected to be shutdown by the State of Illinois in late 2012.

#### **Compliance Program**

25. On or before October 15, 2012, IDHS shall submit a report to EPA that identifies for each boiler unit and associated electricity generation equipment at the Facility, whether it will be retired by June 30, 2013, or operated beyond this date.

26. On or before January 1, 2013, for each unit positioned for retirement specified in Paragraph 25 above, IDHS shall submit in writing a plan for EPA's approval which details IDHS's schedule for retiring the unit by June 30, 2013. EPA will approve or amend the plan within 30 days of its receipt of the plan. "Retire" means that IDHS shall:

- a. permanently shut down and cease to operate the unit as an electric generation unit, render the unit physically incapable of combusting any fuel, and incapable of operating as an electric generation unit;
- b. comply with any state and/or federal requirements regarding the shutdown that are applicable to the Facility;
- c. submit within 30 calendar days of the cessation of operation of each boiler unit positioned for retirement through writing to Illinois EPA, a request:
  - i. to surrender to the Illinois EPA applicable portions of all CAA permits issued to the Facility,
  - ii. to withdraw all applicable portions of all CAA permit applications submitted to Illinois EPA, and

- iii. that Illinois EPA remove each retired boiler unit from the Illinois emission inventory.

27. IDHS shall abide by the plan required by Paragraph 26 of this Order, as approved by EPA, for the duration of this Order.

28. IDHS shall not operate Boiler Unit #2 at the Facility from the time this Order is signed until it retires the unit as specified by the plan required by Paragraph 26, as approved by EPA.

29. By no later than June 30, 2013, IDHS shall submit written notification to EPA that it has retired all boiler units identified under Paragraph 25 of this Order at the Facility, have surrendered to IEPA all applicable portions of its CAA permits related to the retired boiler units, and has withdrawn from IEPA all applicable portions of its applications for CAA permits related to the retired boiler units. In its notification, IDHS shall include a statement which certifies the shutdown is permanent and that it has requested the affected units be removed from the Illinois emission inventory.

30. IDHS shall comply with all applicable regulations and all terms and conditions of any state, local, or federal permits issued to the Facility.

31. For each boiler unit which the Facility plans to continue to operate in any capacity beyond June 30, 2013, EPA requires that emission testing be conducted by February 1, 2013 and all of the following information be supplied, as specified below:

- a. The Facility shall perform PM, sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), and opacity testing on each boiler unit using EPA Reference Methods or other Methods approved by EPA in advance of and specifically for these tests. The Facility shall conduct the performance tests

using these allowable testing Methods and Methods 1, 2, 3, and 4 from Appendix A of 40 CFR Part 60.

- b. No later than 30 calendar days before the date of the test, the Facility shall provide notice of its intent to conduct the tests required above to EPA. This notification will include the scheduled date of the test or tests, an emissions test protocol, a description of the planned operating rate and operating conditions including those listed as i)-v) below. If EPA requires any adjustment of the testing protocol or operating conditions, the Facility will make such adjustments and conduct the performance tests in conformity with EPA's requirements. In addition to the proposed test methodology and conditions, the protocol will also include the proposed operating parameters that the Facility intends on achieving during the stack tests, including (but not limited to):

- i. Generation load (MWg/MWn);
- ii. Steam flow rate (lbs steam/hour);
- iii. Heat input rate (mmBtu/hr);
- iv. Coal parameters (% sulfur, % ash, and heat content);
- v. Filter temperature for the stack test.

- c. The Facility shall perform stack tests to determine the PM emission rate (lbs/mmBtu and lb/hr), SO<sub>2</sub> (lbs/mmBtu, ppm, and lb/hr), CO (lbs/mmBtu, ppm, and lb/hr), NO<sub>x</sub> (lbs/mmBtu, ppm, and lb/hr), and opacity on each boiler unit at the Facility. One test shall be conducted on each boiler unit with a minimum of three one-hour runs during each test. The tests shall be conducted while the boiler unit is operating at its maximum steam production rate burning fuels that are representative of each boiler unit's worst-case normal operating conditions. The tests shall be conducted under typical

emission control system operating parameters, including, but not limited to, multiclone standard operating parameters normally maintained. If the operating condition that results in the highest rate of emissions from one or more pollutants is different for some pollutants than it is for others, then separate testing events under the different conditions shall be conducted.

- d. From the date of this Order, the Facility shall not perform any repair activities or make any modifications to its system beyond normal maintenance activities representative of past activities until the above stack tests have been completed.
- e. By no later than 30 calendar days following each test, the Facility shall submit to EPA a report documenting all results of the performance tests. The final test report shall identify, describe, and explain, in significant detail: the test programs and procedures utilized; the testing equipment and personnel employed; the test equipment calibrations; and the operational information specified below:

- i. Generation load (MWg/MWn);
- ii. Steam flow rate (lbs steam/hour);
- iii. Heat input rate (mmBtu/hr);
- iv. Coal parameters (% sulfur, % ash, and heat content);
- v. Filter temperature for the stack test.

- 32. IDHS must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

### **General Provisions**

33. This Order does not affect IDHS's responsibility to comply with other local, state and federal laws and regulations.

34. This Order does not restrict EPA's authority to enforce Section 114 of the Act, or any other section of the Act.

35. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for IDHS's violations of the Title V Permit Program requirements of the Act at 42 U.S.C. §§ 7661a-7661f, and the implementing regulations at 40 C.F.R. Part 70.

36. Failure to comply with this Order may subject IDHS to penalties for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

37. The terms of this Order are binding on IDHS, its assignees and successors. IDHS must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.


38. IDHS may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If IDHS fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

39. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on CD or thumb drive. If not possible, provide your response to this Order without staples; paper clips and binder clips, however, are acceptable.

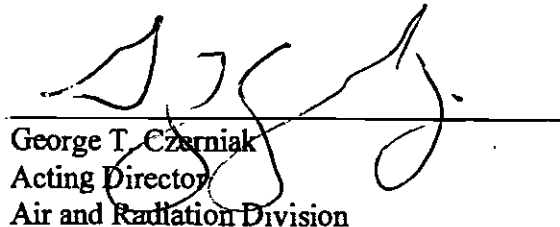
40. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

41. IDHS agrees to the terms of this Order. This Order is effective on the date of signature by the Acting Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that IDHS has complied with all terms of the Order throughout its duration. In the event that the Facility fails to comply with all terms of the Order, EPA may use any of its enforcement options under Section 113 of the Act, 42 U.S.C. §4213.

10-8-12  
Date

  
Michelle R.B. Sadtler  
Secretary  
Illinois Department of Human Services

10/18/12  
Date

  
George T. Czarniak  
Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-13-113(a)-IL-02, by certified mail, return receipt requested, to:

Steven Perkins  
Acting Center Director  
Jacksonville Developmental Center  
1201 South Main Street  
Jacksonville, Illinois 62650

And

Michelle R.B. Saddler, Secretary  
c/o Scott W. Gertz, Assistant General Counsel  
Illinois Department of Human Services  
100 West Randolph St., Suite 6-400  
Chicago, IL 60601

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No. EPA-5-13-113(a)-IL-02 by First Class Mail to:

Ray Pilapil, Manager  
Bureau of Air, Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794

On the 18 day of October 2012.



Loretta Shaffer  
Administrative Program Assistant  
AECAB, Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7667 4812